

**CITY OF ROCKVILLE PLANNING DIVISION
STAFF REPORT**

November 23, 2004

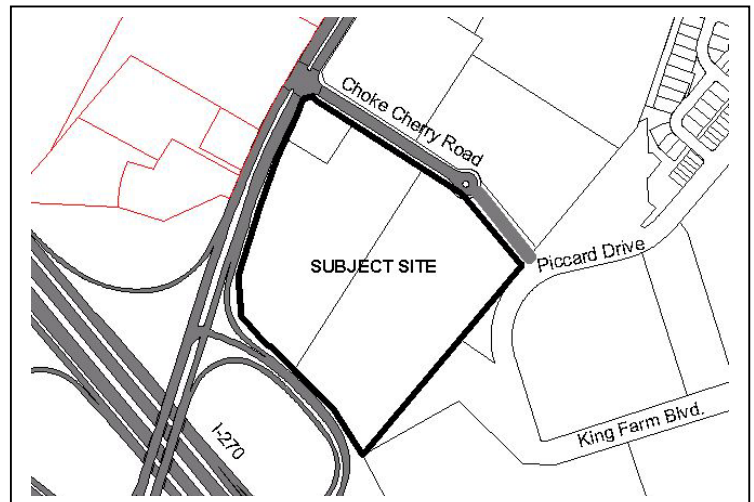
SUBJECT: Preliminary Development Plan
Application PDP2004-00007 –
1 – 11 Choke Cherry Road
Upper Rock District

Applicant: The JBG Companies

Owner: JBG/Shady Grove Land LLC
JBG/M Market Square I LLC
JBG/5 Choke Cherry LLC
4445 Willard Avenue
Chevy Chase, MD

Date Filed: September 13, 2004

Location: Choke Cherry Road and Shady Grove Road



REQUEST:

- The applicant requests approval of a Preliminary Development Plan to redevelop the property at the southeast corner of Choke Cherry Road and Shady Grove Road, consisting of 19.8 acres in the I-3 Zone. The application requests approval under the optional method of development for 844 multi-family, live-work, and age-restricted residential units, 238,086 square feet of office, 14,500 square feet of incubator retail/office, and 9,000 square feet of restaurant space.

PREVIOUS RELATED ACTIONS:

A 9-story, 238,086 square foot office building was approved and constructed under Use Permit USE2003-00655. Two additional office buildings were approved under Use Permit USE2003-00658, totaling 117,000 square feet. These have not been constructed.

RELEVANT ISSUES

In reviewing the application, the following issues emerged and have been addressed:

- Compatibility with the Citywide Master Plan recommendations.
- The relationship to other adjoining uses around the site.
- Traffic impact, access, on-site circulation and parking needs.
- Impact on public schools and other public facilities.

ANALYSIS

Background

The subject property is at the northern edge of the City. The site is a part of the Danac Technological Park, that was developed under the I-3 Zone in the 1960's and early 1970's. Originally, the Kodak processing laboratory occupied the rear portion of the site. A 3-story, 73,700 square foot office building was built at 5 Choke Cherry Road. This building is proposed to be retained, but converted to residential use under the PDP application.

Property Description

The property is approximately rectangular in shape. It is bounded by Shady Grove Road on the west, Choke Cherry Road on the north, Piccard Drive and the King Farm on the east, and the Shady Grove Road interchange of I-270 on the south. The site consists of 19.81565 acres, divided into four ownership lots: 9A, 9B, 9C, and 9D. These ownership lots were predicated on the approved use permits for three new office buildings and the retention of the building at 5 Choke Cherry Road. If the PDP is approved, the ownership lots will likely be replatted.



Aerial View of Subject Site

As a condition of approval of the use permits, the applicant was required to extend Choke Cherry Road east from the cul-de-sac to connect with Piccard Drive. This work is nearing completion. The connection will be opened when the King Farm completes construction of housing along

Piccard Drive near Gaither Road. The Mayor and Council have approved portions of the bulb of the cul-de-sac for abandonment, subject to meeting the conditions of approval of the use permits previously approved for this site.

Under Use Permit USE2003-00655, the applicants have constructed a 9-story office building that has been leased by GSA for use by the Department of Health and Human Services, Substance Abuse and Mental Health Services Administration (SAMHSA). This building has recently been completed and occupied.

Proposal

The Preliminary Development Plan (PDP) has been filed under the optional method in the I-3 Zone. The optional method allows for a greater range of uses, reduced parking requirements, and more flexible development standards than are available under the standard zoning provisions. The PDP must be approved by the Mayor and Council. The subsequent use permit(s) must be approved by the Planning Commission and be in conformance with the provisions of the approved PDP.

The application proposes to retain the new 9-story SAMSHA office building leased by GSA, totaling 238,086 square feet. The application also proposes to retain the existing 73,700 square foot 3-story office building at 5 Choke Cherry Road. However, this building is proposed to be converted to 100 loft-type “live/work” units. In addition, the proposal calls for constructing four other multi-family residential buildings with associated parking. Finally, the application proposes 14,500 square feet of retail/office, divided approximately equally between the two uses. There will also be 9,000 square feet of restaurant space.

The following chart summarizes the proposed development:

Use	Description	Dwelling Units	Square Footage
Office	General office		245,337
Multi-family	Apartments	524	
“Live/work” units	Loft-type units to include Live-in work space	126	
Retail	Specialty retail		7,250
Restaurant			9,000
Senior housing	MPDU Senior housing	94	
Total		844	261,587

The “live-work” units will be distributed throughout the project. Most of the loft units will be in the converted office space of the existing building at 5 Choke Cherry Road.

Interrelationship between the Preliminary Development Plan (PDP), Illustrative Plan and the Use Permits

The PDP sets the overall levels of development at a concept plan level. The PDP is implemented by a subsequent Use Permit that serves as the detailed site plan and the

point at which compliance with the development standards (setbacks, height, parking requirements) and the design guidelines are evaluated. There are two separate plans associated with the PDP - a concept plan and an illustrative plan.

The concept plan or bubble diagram identifies the total amount of development (by type), building heights, and the number of parking spaces. This is the plan that will be acted on by the Mayor and Council. The concept plan sets the overall development density envelope. Minor reallocations of densities may be allowed during the approval of Use Permits, so long as the overall density envelope is not exceeded.

The second plan is an illustrative plan that shows proposed details that will be fully evaluated as part of the subsequent use permits. The illustrative plan is an exhibit in the PDP approval, but the actual layouts are not approved as part of the PDP. It has been extremely helpful to have the illustrative plan to show the intent of the development, establish access points, and to provide a sense of the scale and design of the proposed buildings. As a result, staff has identified a number of detailed issues that will need to be resolved prior to the approval of use permits. These issues are listed beginning on page 10. The illustrative plan is shown on Attachment 1 for reference.

Section 25-683(a) also provides that approval of the PDP constitutes approval of a Preliminary Subdivision Plan. In this case, the property has already been recorded as Lot 9 as part of the previous use permit activities. Attachment 4 shows the current record lot with ownership lots.

Development Standards – Optional Method

This project is proceeding under the optional method of development in the I-3 zone. Under this procedure, the Mayor and Council may grant a greater variety of land uses and flexibility in setback requirements where development complies with more extensive standards of urban design review and traffic impact review and mitigation. In addition, there is more flexibility in development process, and an allowance for reductions in the parking requirements. In this case the applicant is pursuing the optional method to expand the range of uses and flexibility in setback requirements.

The optional method sets forth the following set of requirements, which are accompanied by the staff's findings for each:

1. The site must satisfy one of the following requirements:
 - a. The property is a minimum of forty (40) acres; and
 - i. A portion of the property is adjacent and contiguous to a Comprehensive Planned Development; and
 - ii. A portion of the property is located adjacent to an interstate highway; and
 - iii. A portion of the property is within fifteen hundred (1,500) feet of a planned or programmed transit station; or
 - b. The property is a minimum of ten (10) acres; and

- i. A portion of the property is located immediately adjacent and contiguous to a Comprehensive Planned Development; and
- ii. The property provides for a future transit right-of-way, transit center, transit station or other public transit oriented component acceptable to the Mayor and Council; and
- iii. A portion of the property is located adjacent to an interstate highway; and
- iv. A portion of the property is within fifteen hundred (1,500) feet of a planned or programmed transit station.

The application conforms with subsection b above. It exceeds 10 acres in size, provides for a future transit right-of-way, is adjacent to I-270, and is within 1,500 feet of a planned transit station along the Corridor Cities Transitway on the King Farm property.

2. The applicant must submit a traffic study in conformance with the Comprehensive Transportation Review.

A traffic study has been submitted and reviewed. The traffic report is covered separately in this staff report.

3. A draft declaration to be executed by all property owners which sets forth the rights, responsibilities, and duties of each property owner with respect to the amenities, open space, private infrastructure, dedications and any other obligations required under the Preliminary Development Plan for multiple building projects. The draft declaration shall include a proposed phasing schedule, which corresponds to each stage of development with the implementation of the rights, responsibilities and duties set forth in the Preliminary Development Plan application. The draft phasing schedule shall include, to the extent relevant, information regarding the provision of the following items: lighting, paving, open space, landscaping, stormwater management, pedestrian connections, parking, transit stop, roadway dedications and extensions, and any other obligations required under the Preliminary Development Plan. The declaration shall be finalized in the form approved by the Mayor and Council with all relevant conditions of approval incorporated therein. The finalized declaration shall be executed by all property owners, with a copy forwarded to the Mayor and Council, and recorded among the land records of Montgomery County prior to the issuance of the first Use Permit for development within the Preliminary Development Plan area;

A draft declaration has been submitted with the application materials.

4. A circulation plan indicating the public pedestrian ways linking all elements of the development with neighboring properties and any planned or programmed transit way station;

A circulation plan has been submitted as part of the application materials.

5. A Natural Resources Inventory/Forest Stand Delineation as required by the City's Environmental Guidelines.

A Natural Resources Inventory/Forest Stand Delineation application was previously approved for this site as part of the processing of Use Permit USE2003-00658. The NRI/FSD will need to be updated to reflect the changes proposed in the application.

Required Findings

Optional method approval requires the same findings as a preliminary plan of subdivision. The required findings are listed below with a brief statement regarding the finding. Detail information supporting the findings is contained in the relevant sections of the staff report.

In reviewing Preliminary Development Plans, the Mayor and Council must make the following findings:

- (1) That the proposed development will not affect adversely the health or safety of persons who will reside or work in the neighborhood of the proposed development; and
 - (2) That the proposed development will not be detrimental to the public welfare or injurious to property or improvements located or to be located in or adjacent to the development; and
 - (3) That the proposed development will not be inconsistent with the intent or purpose of this division or article; and
 - (4) That the proposed development will not overburden existing public services, including water, sanitary sewer, public roads, storm drainage and other public improvements; and
 - (5) That the proposed development complies with the development standards and requirements set forth in this division; and
 - (6) That the proposed development complies with any applicable development staging and adequate public facilities requirements; and
 - (7) That the proposed development promotes the City's environmental objectives as set forth in the Environmental Guidelines.
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1. The staff finds that the proposed development complies with the standards and requirements of the optional method and the I-3 Zone for height, setbacks, and green area. The provision of live/work units and on-site retail and restaurant space will tend to reduce off-site traffic generation. The application also proposes to utilize "green" construction methods, which will save on energy consumption. Staff therefore finds that the application will not have an adverse impact on the health and safety of residents or workers in the neighborhood.
 2. The proposed development conforms to the optional method provisions for land uses and densities. The approved development includes two unbuilt office buildings totaling 117,000 square feet. The traffic assigned to those approved buildings is subsumed into the traffic generation for the proposed development. The access points to the site are consistent with existing points of access. The completion of the extension of Choke

Cherry Road under conditions of approval of the use permit for the GSA office building means that there will be better traffic distribution for the project, without all of the traffic having to go through the Choke Cherry-Shady Grove Road intersection. There is sufficient public water and sewer service available (via WSSC) to serve the site. Other sites adjoining the property are developed, or approved for development, with commercial office uses. Staff concludes that the proposed development will not be detrimental to the public welfare or injurious to property or improvements adjacent to the proposed development.

3. The optional method in the I-3 Zone was adopted for the purpose of expanding the types of uses and character of development that could be allowed in the zone. The application complies with the standards and requirements of the optional method, and is therefore consistent with the purposes and intent of the code.
4. Based on findings detailed elsewhere in this report, the staff finds that the proposed application will not overburden public facilities needed to serve the proposed development.
5. The application complies with the standards and requirements for the optional method in the I-3 Zone.
6. The applicant has submitted a traffic report, which indicates that, with mitigation, the new trips generated by the proposed development can be accommodated. **In addition, the Applicant has agreed to construct additional capacity and bikeway improvements, beyond that which is required by the CTR to mitigate their impact, which will improve the overall transportation network in the region.** The application also indicates that the project will be constructed in phases, as follows:
 - (1) Construct 5 new residential buildings and the service retail.
 - (2) Convert the building at 5 Choke Cherry Road from office to residential lofts, and construct an addition to 5 Choke Cherry Road for additional lofts and restaurant space.
7. The applicant proposes to achieve at least a LEED Certified rating for the new buildings. This, combined with the open space, storm water management, and forest conservation requirements, is consistent with the City's Environmental Guidelines.

Parking

Parking reductions may be requested by the applicant under the optional method. However, the applicant is proposing to meet the minimum parking requirements for each use proposed. A total of 2,116 spaces are required, and that is number proposed. Final parking tabulations will be made at that time. The applicant has suggested that the live/work units will require only two spaces per unit. Documentation of this will be required at the time of Use Permit consideration and will have to be reviewed by the Traffic and Transportation Division prior to Planning Commission action.

Moderately Priced Dwelling Units

The applicant is proposing 750 market-rate housing units. The Code requires that 12.5% of the units be moderately-priced, or 94 MPDU's. The applicant has offered that these units be made available as age restricted (age 55 and above) active senior housing. If the units are not all taken

by seniors, then the remaining units would be offered to other qualified persons or households on the City's or County's waiting lists.

Schools

Using the current student generation rates provided by Montgomery County Public Schools, the project would generate the following numbers of students. The generation rates used in the staff's calculations are the official rates provided by MCPS for high-rise multi-family residential development. The numbers cited by the applicant are based on samples of similar types of development in the County, but are not yet established as official rates. The MCPS and M-NCPPC staffs are still working on updating the school generation rates, which were last revised in 1996.

	<u>844 units</u>
Elementary School:	57 students
Middle School:	19 students
High School:	14 students

For planning purposes, we assume that this project will not be fully occupied until the 2007-2008 school year. The adopted MCPS CIP provides the following for that horizon school year:

Rosemont Elementary School:	Program Capacity – 611; Enrollment – 514
Forest Oak Middle School:	Program Capacity – 942; Enrollment – 905
Gaithersburg High School:	Program Capacity – 2,126; Enrollment – 2,246

With the proposed development, the elementary and middle schools will remain within program capacity. As indicated by the applicant in their discussions with Montgomery County Public Schools, the generation rates for this type of development may in fact be overstated. An added 13 high school students represents only 0.6% of projected enrollment at Gaithersburg High School. Staff does not recommend deferral or denial of the proposed development solely on school capacity grounds.

Environmental Review

Public Sewer

Sewer service is already provided at the site by WSSC to serve the existing development. There will be a net increase in sewer usage with the change to a predominantly residential development. This development is located within the Muddy Branch sewershed. The sewer lines servicing the site connect to the existing Muddy Branch sewer. There is currently a transmission capacity constraint in the Muddy Branch sewer main passing under I-270. The applicant will need to demonstrate that the transmission capacity issue will be remedied prior to the issuance of building permits. This issue will be further addressed at the time of Use Permit review. Wastewater treatment will be provided at the Blue Plains Wastewater Treatment Plant in the District of Columbia.

Public Water

The Washington Suburban Sanitary Commission currently provides water service to the site to serve the existing development.

WSSC has adequate facilities to provide service demand volume and street level water pressure as recommended by the American Water Works Association (AWWA). High-rise buildings may require secondary water supply for fire protection of the upper floors. This will be determined as part of the building permit review process.

Stormwater Management (SWM)

The Department of Public Works has approved the SWM concept plan on November 23, 2004. The applicant shall utilize the most recent design and sizing requirements according to the City's SWM regulations and the Maryland Department of the Environment (MDE) guidelines as contained in the latest version of the Maryland Storm water Design Manual. Storm water management for quantity control will be provided by a storage vault located under Garage H (Block H). Storm water management for quality control will be provided by underground structural filtering practices and underground recharge chambers located throughout the site in either open areas or beneath a parking garage.

Flood Plain

No flood plains exist within the limits of the proposed development.

Green Area

The application proposes to meet the minimum 40% green area requirement of the I-3 Zone. The staff recommends that sufficient active recreation areas be provided to serve the expect population on the site. This may include contributions for provision of additional open space and recreation facilities in the surrounding neighborhood, such as the King Farm Park and the King Farm Farmstead Park, to supplement the on-site recreation facilities.

Sustainable Design

The applicant is proposing to explore a range of sustainable design strategies for the project. These may include the following:

- Green Roofs
- Daylighting in design
- Utilize environmentally sensitive materials
- Natural systems approaches to stormwater management
- Energy efficiency and LEED Green Building Rating System

The final details of these options will be reviewed during the use permit review process.

Public Art

The applicant will be required to provide publicly-accessible art in accordance with the provisions of Chapter 4 of the City Code. The amount required is \$264,688. The location and character of the art will be determined during the use permit review process.

Transportation

The Transportation Division has reviewed the Comprehensive Transportation Review submitted by the applicant, which took into account the needs of motorists, pedestrians, bicyclists, and transit users. City staff's recommendations, which serve to mitigate potential transportation impacts, of the proposed PDP, are included in the staff recommendation on attachment 6. These include improvements at the intersections of Shady Grove Road with Choke Cherry Road, and Gaither Road. In addition the applicant will install 3 traffic-calming devices along Redland Boulevard and other pedestrian safety improvements.

Future Transportation Conditions

The following conditions of approval will be incorporated into subsequent USE permits associated with this application:

1. Applicant shall contribute, prior to issuance of building permits, a monetary contribution of \$13,000.00 for the implementation of two bus shelters to be located nearby to the subject site or at locations in the vicinity of the to the site. This contribution will be incorporated into the Bus Stop Beautification CIP project.
2. All internal and external traffic control devices (i.e., signs, signals, marking, and devices placed on, over or adjacent to a roadway or pathway to regulate, warn, or guide pedestrians and/or vehicular traffic) shall comply with the latest edition of the Manual on Uniform Traffic Control Devices (MUTCD). A signing and pavement-marking plan shall be submitted to the Department of Public Works and approved by the Chief of Traffic & Transportation before the issuance of a Public Works Permit.
3. A Transportation Demand Management (TDM) agreement must be executed between the application and the City of Rockville prior to the issuance of building permits. This agreement will require the applicant to make a contribution of ten (10) cents a square foot of gross floor area of the proposed new building and \$60 per market rate dwelling unit per year for a period of ten (10) years. These funds will be used for various programs designed to reduce the number and impact of vehicle trips within the City of Rockville. The funds will be used for the purpose of TDM and the requested agreement will specify the timing and other requirements of future payments of the TDM fee. This sum will be incorporated into the TDM capital improvements program funds of the City. No occupancy

permit will be issued until the required roadway improvements are completed and the initial TDM annual installment is made.

4. Applicant shall provide bicycle lockers or bike storage room for residential uses and bike racks for retail uses at locations approved by the Department of Public Works. The number of bicycle storage facilities will be determined with staff and the applicant through the Use Permit process.
5. The applicant shall contribute \$125,000 into the City's Transportation Improvements CIP Fund, prior to the issuance of final building permits, towards the future installation of a traffic signal at the intersection of Choke Cherry and Piccard Drive if the signal meets warrants according to MUTCD and City of Rockville standards. If the signal is not warranted, the monies shall go towards additional traffic improvements in the immediate vicinity.
6. Provide truck turning exhibits and demonstrate that the Block A dumpster access can be accommodated.

Public Notice

The applicant conducted a series of public charrettes in the summer of 2004 to obtain input into the design principals that were to be incorporated in the final plan submittal.

Post card notice of the proposed PDP application and Planning Commission meeting date were sent to all adjoining and confronting property owners surrounding the project. In addition, post cards were sent to all civic associations in the neighborhoods surrounding the project.

STAFF RECOMMENDATION

Approval is recommended, subject to the following conditions:

1. Use Permits submitted to implement the PDP must be consistent with the approved PDP plan. Minor reallocations of floor area or uses may be allowed at the Use Permit stage, within the overall development envelope approved in the PDP.
2. Applicant shall submit letter from MD SHA to confirm location of future Corridor Cities Transitway right-of-way and applicant must reserve this right-of-way for future public use. No permanent improvements may be made in this right-of-way.
3. Applicant shall dedicate right-of-way and/or provide a Public Improvement Easement along Shady Grove Road to accommodate an eight-foot shared bike/pedestrian path, and an eight-foot buffer area and bus shelter(s) and right turn lane improvements per DPW and County standards prior to the issuance of first occupancy permits.
4. Obtain permits from Montgomery County and construct, the following off-site road improvement projects. The timing of these improvements will be determined through the Use Permit process:

- a. An eight-foot bike path and eight-foot tree buffer on Shady Grove Road along the frontage of the site per DPW and County requirements.
 - b. A right turn lane from eastbound Shady Grove Road to southbound Choke Cherry Road per DPW and County requirements.
 - c. A right turn lane from northbound Choke Cherry onto Shady Grove Road and associated markings per DPW and County requirements.
 - d. Lengthen the left turn bay from Shady Grove onto Choke Cherry per DPW and County requirements.
 - e. An additional westbound left turn lane from Shady Grove Road onto southbound Gaither Road and additional receiving lane on Gaither Road per DPW and County requirements.
 - f. A right turn lane from Shady Grove Road onto Gaither Road per DPW and County requirements.
5. Submit street cross sections for review and approval.
6. Streets and sidewalks that function like a public street must be designed, constructed and permitted according to the Department of Public Works standards. Design waivers may be required to accommodate possible reduced building setback. These streets and sidewalks must be covered by an agreement or declaration that requires public access to be maintained at all times. The agreement must also stipulate that the street be maintained according to the Department of Public Works standards.
7. The Applicant shall implement a five-foot bike lane on Piccard Drive between Redland and Millennium Trail connection at Gude to provide a bicycle connection identified in the City Bikeway Master Plan from the site to the Millennium Trail.
8. The Applicant shall install three traffic-calming devices in the Redland corridor between Piccard Drive and Pleasant Road in the adjacent King Farm community. The devices will be coordinated with the King Farm community, approved by staff and finalized at the Use Permit stage.
9. The Applicant shall upgrade the pedestrian infrastructure at the intersections of Shady Grove/Choke Cherry and Shady Grove/Gaither including crosswalk markings and countdown signals per DPW and County requirements.
10. The Applicant should coordinate and cooperate with the City, County and State as the Corridor Cities Transitway project proceeds to ensure that adequate pedestrian and bicycle facilities are provided in conjunction with the CCT project.
11. Safe pedestrian access and adequate parking must be provided during all phases of construction. Sidewalks must be a minimum of 15 feet wide. Final sidewalk designs will be determined during the use permit review process.
12. Payment of the County's Development Impact Tax, as applicable prior to the issuance of building permits.

13. Comply with all conditions detailed in the SWM concept approval letter dated November 23, 2004.
14. Provide on-site recreation and parks facilities such as passive and active open space. Active open space should include amenities such as tennis courts, tot lot playground for ages 2-12 years, walking paths, garden plots, etc. Consult with the Recreation and Parks Department during the Use Permit phase for design standards of facilities. Also, provide fitness facilities within buildings. The development should contribute toward recreation facilities in the surrounding neighborhood such as King Farm 28-acre park and the King Farm Farmstead to supplement on-site facilities.
15. Applicant must address the issue of sewage transmission capacity constraints at the time of Use Permit review. No building permits will be issued until the WSSC certifies that adequate transmission capacity is available.
16. Building designs should incorporate green building and LEED energy efficiency standards.
17. A Forest Conservation Plan (FCP) was previously approved for this site (FTP2000-00008A) and a Forest Conservation Easement (FCE) was established to protect trees on site. The proposed development will result in removal of protected trees. Prior to the approval of the Use Permit a revised Forest Conservation Plan must be approved that addresses additional tree loss, replacement planting requirements and updated afforestation requirements. The existing FCE will need to be abandoned and a new FCE created.
18. All utilities to be underground or within buildings, as directed by the Department of Public Works.
19. Provide public art in accordance with the provisions of Chapter 4 of the Code. Staff calculates the total art provision requirement at \$264,688. This consists of \$202,450 for the 750 market rate residential units, and \$62,238 for 261,587 total square feet of commercial/office space.

DEM/

Attachments:

1. PDP Generalized Land Use Concept Plan
2. Green Area Plan
3. Circulation Plan
4. Current ownership plat
5. Stormwater Management Concept Approval Letter
6. Traffic and Transportation Division Memo

Exhibits:

- A. Statement of Applicant
- B. Illustrative Drawings and Perspectives